

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**JOHN DOE,**

**Plaintiff,**

**v.**

**MITCHELL GARABEDIAN, ESQUIRE,  
MITCHELL GARABEDIAN, ESQUIRE,  
doing business as “LAW OFFICES OF  
MITCHELL GARABEDIAN,” and  
KURTIS N. POULOS,  
Defendants.**

**CIVIL ACTION**

**NO. 19-1539**

**ORDER**

**AND NOW**, this 12th day of March, 2020, upon consideration of Plaintiff’s Motion for Reconsideration of this Court’s 2 October 2019 Order (ECF #39), or, Alternatively, for Amendment of Said Order to Redenominate it Final and Appealable (Document No. 40, filed October 10, 2019), defendants’ Memorandum of Law in Opposition to Plaintiff’s Motion for Reconsideration of this Court’s 2 October 2019 Order (ECF #39), or, Alternatively, for Amendment of Said Order to Redenominate it Final and Appealable (Document No. 41, filed October 24, 2019), Plaintiff’s Reply Brief in Support of His Motion for Reconsideration of this Court’s 2 October 2019 Order (ECF #39), or, Alternatively, for Amendment of Said Order to Redenominate it Final and Appealable (Document No. 42, filed November 4, 2019), for the reasons stated in the accompanying Memorandum dated March 12, 2020, **IT IS ORDERED** that plaintiff’s motion seeking reconsideration of that part of this Court’s Order dated October 2, 2019, dismissing plaintiff’s defamation claim against defendants without prejudice is **GRANTED**. The Court **DETERMINES** that, on the present state of the record, there is a factual dispute as to the application of the judicial immunity privilege to defendants’ statements in the letters dated April 26, 2018 and December 16, 2018. Accordingly, that part of the Court’s

Memorandum & Order dated October 2, 2019 dismissing Count I of the Second Amended Complaint without prejudice is **VACATED**. Count I of the Second Amended Complaint is **REINSTATED**.

**IT IS FURTHER ORDERED** that, excepting only as set forth above and in the Memorandum dated March 12, 2020, the Memorandum & Order dated October 2, 2019 (Document Nos. 38, 39), continues in effect.

**IT IS FURTHER ORDERED** that a Preliminary Pretrial Conference shall be scheduled in due course.

**BY THE COURT:**

**/s/ Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**